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TRANSMITTAL FORM *(to be used for all correspondence after initial filing)*		Application Number	10/773,083
		Filing Date	02/04/2004
		First Named Inventor	Daniel J. CUA
		Art Unit	1615
		Examiner Name	K. Chong
Total Number of Pages in This Submission	9	Attorney Docket Number	DX06023 US 01

ENCLOSURES *(Check all that apply)*

___ Fee Transmittal Form (In duplicate)	___ Drawing(s)	___ After Allowance Communication to Group
___ Fee Attached	___ Licensing-related Papers	___ Appeal Communication to Board of Appeals and Interferences
___ Amendment/Reply	___ Petition	___ Appeal Communication to Group **(Appeal Notice, Brief, Reply Brief)**
___ After Final	___ Petition to Convert to a Provisional Application	___ Proprietary Information
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___ Certified Copy of Priority Document(s)		
___ Response to Missing Parts/ Incomplete Application		
___ Response to Missing Parts under 37 CFR 1.52.or 1.53		

Remarks:

1. Response to Restriction Requirement (4 pages)
2. Preliminary Amendment (4 pages)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Sheela Mohan-Peterson, Reg. No. 41,201 DNAX Research, Inc. 901 California Ave. Palo Alto, CA 94304-1104
Signature	Sheela Mohan-Peterson
Date	8-Aug-2005

CERTIFICATE OF TRANSMISSION/MAILING

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Attorney Docket: DX06023 US 01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re application of:

Daniel J. CUA, et al.

Application No.: 10/773,083

Filed: February 4, 2004

For: USES OF MAMMALIAN CYTOKINE; RELATED REAGENTS

Examiner: K. Chong

Art Unit: 1615

Conf. No.: 3286

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by: MELANIE LYONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is a response to the Restriction Requirement dated July 8, 2005.

I. Restriction Requirement

The Examiner restricted the application into 17 separate inventions:

I. Claims 1, 2, 3, 4, 5 and 8-10, drawn to a method of treating an IL-23 mediated disorder comprising administering an effective amount of a nucleic acid agonist of IL-23, classifiable in class 514, subclass 44.

II. Claims 1, 2, 3, 4, 5, 8-10, 12, 13 and 15, drawn to a method of treating an IL-23 mediated disorder comprising administering an effective amount of a nucleic acid antagonist of IL-23 wherein the antagonist inhibits activation of a resident microglial cell, classifiable in class 514, subclass 44.

III. Claims 1, 2, 3, 4, 5, 8-10, 12, 13 and 16-17, drawn to a method of treating an IL-23 mediated disorder comprising administering an effective amount of a nucleic acid antagonist of IL-23 wherein the antagonist inhibits expression of a macrophage, classifiable in class 514, subclass 44.

IV. Claims 1, 2, 3, 4 and 8-10, drawn to a method of treating an IL-23 mediated disorder comprising administering an effective amount of a small molecule agonist of IL-23, classifiable in class 514, subclass 44.

V. Claims 1, 2, 3, 4, 8-10, 12, 13 and 15, drawn to a method of treating an IL-23 mediated disorder comprising administering an effective amount of a small molecule antagonist of IL23 wherein the antagonist inhibits activation of a resident microglial cell, classifiable in class 514, subclass 44.

VI. Claims 1, 2, 3, 4, 8-10, 12, 13 and 16-17, drawn to a method of treating an IL-23 mediated disorder comprising administering an effective amount of a small molecule antagonist of IL-23 wherein the antagonist inhibits expression of a macrophage, classifiable in class 514, subclass 44.

VII. Claims 1, 2, and 6-10, drawn to a method of treating an IL-23 mediated disorder comprising administering an effective amount of an antigen binding fragment of an antibody or a soluble receptor agonist of IL-23, classifiable in class 514, subclass 44.

VIII. Claims 1, 2, 6-10, 12, 13 and 15, drawn to a method of treating an IL-23 mediated disorder comprising administering an effective amount of an antigen binding fragment of an antibody or a soluble receptor agonist of IL-23 wherein the antagonist inhibits activation of a resident microglial cell, classifiable in class 514, subclass 44.

IX. Claims 1, 2, 6-10, 12, 13 and 16-17, drawn to a method of treating an IL-23 mediated disorder comprising administering an effective amount of an antigen binding fragment of an antibody or a soluble receptor agonist of IL-23 wherein the antagonist inhibits expression of a macrophage, classifiable in class 514, subclass 44, and subject to a further restriction.

X. Claims 1, 2, 3, 4, 5 and 8-13, drawn to a method of treating an IL-23 mediated disorder comprising administering an effective amount of a nucleic acid agonist of IL-23 and a cytokine, classifiable in class 514, subclass 44, and subject to a further restriction.

XI. Claims 1, 2, 3, 4, 5 and 8-13, drawn to a method of treating an IL-23 mediated disorder comprising administering an effective amount of a nucleic acid agonist of IL-23 and a cytokine, classifiable in class 514, subclass 44, and subject to a further restriction.

XII. Claims 1, 2, 4 and 8-13, drawn to a method of treating an IL-23 mediated disorder comprising administering an effective amount of a small molecule agonist of IL-23 and a cytokine, classifiable in class 514, subclass 44, and subject to a further restriction.

XIII. Claims 1, 2, 4, and 8-13, drawn to a method of treating an IL-23 mediated disorder comprising administering an effective amount of a small molecule antagonist of IL-23 and a cytokine, classifiable in class 514, subclass 44, and subject to a further restriction.

XIV. Claims 1, 2, and 6-13, drawn to a method of treating an IL-23 mediated disorder comprising administering an effective amount of an antigen binding fragment of an antibody or a soluble receptor agonist of IL-23 and a cytokine, classifiable in class 514, subclass 44, and subject to a further restriction.

XV. Claims 1, 2, and 6-13, drawn to a method of treating an IL-23 mediated disorder comprising administering an effective amount of an antigen binding fragment of an antibody or a soluble receptor antagonist of IL-23 and a cytokine, classifiable in class 514, subclass 44, and subject to a further restriction.

XVI. Claims 18-19, drawn to a purified or isolated IL-17 producing CD4+ T cell, classifiable in class 435, subclass 326.

XVII. Claim 20, drawn to a method of generating an IL-17 producing CD4+ cell, classifiable in class 435, subclass 326.

Applicants provisionally elect Group IX, Claims 1, 2, 6-10, 12, 13, 16, and 17 whose claims are drawn method of treating an IL-23 mediated disorder comprising administering an effective amount of an antigen binding fragment of an antibody or a soluble receptor agonist of IL-23 wherein the antagonist inhibits expression of a macrophage, classifiable in class 514, subclass 44, as discussed in the present Restriction Requirement.

The Examiner further states that if Groups X-XIII are elected, further restriction of Claim 11 is required. This is also mentioned in the listing of the Groups for elected Group IX. Applicants point out that Group IX does not encompass Claim 11, and therefore believe that this group does not require further restriction.

Applicants also submit an accompanying preliminary amendment to assist the Examiner during examination.

Applicants will address the issue of inventorship for the elected claims and amend inventorship appropriately if the elected restriction is made final.

Applicants reserve the right to file subsequent applications claiming the non-elected subject matter and do not waive any of their rights or abandon any non-elected subject matter. Since Applicants have fully and completely responded to the Restriction Requirement and have made the required election, this application is now in order for early action.

If the Examiner believes that a telephone conference would aid the prosecution of this case in any way, please call the undersigned.

The Commissioner is hereby authorized to charge the requisite fee to DNAX Deposit Account 04-1239. Please charge any additional fees or credit overpayment to DNAX Deposit Account No. 04-1239.

Respectfully submitted,

Date: 8-Aug-2005

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